

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-366]

**Certain Microsphere Adhesives, Process for Making Same and Products Containing Same, Including Self-Stick Repositionable Notes; Change of Commission Investigative Attorney**

Notice is hereby given that, as of this date, Steven A. Glazer, Esq. of the Office of Unfair Import Investigations is designated as the Commission investigative attorney in the above-captioned investigation instead of James B. Coughlan, Esq.

The Secretary is requested to publish this Notice in the **Federal Register**.

Dated: February 28, 1995.

**Lynn I. Levine,**

*Director, Office of Unfair Import Investigations.*

[FR Doc. 95-5636 Filed 3-7-95; 8:45 am]

BILLING CODE 7020-02-P

[Investigation No. 337-TA-368]

**Certain Rechargeable Nickel Metal Hydride Anode Materials and Batteries, and Products Containing Same; Notice of Decision Not To Review Initial Determination Granting Joint Motion To Terminate the Investigation With Respect to Respondents Yuasa Corp. and Yuasa-Exide, Inc. on the Basis of a Settlement Agreement; Termination of Investigation**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) issued on February 3, 1995, by the presiding administrative law judge (ALJ) in the above-captioned investigation granting the joint motion of complainants Energy Conversion Devices, Inc. and Ovonic Battery Co., Inc. and respondents Yuasa Corp. and Yuasa-Exide, Inc. (collectively "the Yuasa companies") to terminate the investigation as to the Yuasa companies on the basis of a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Marc A. Bernstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone 202-205-3087.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation, which concerns

allegations of section 337 violations in the importation, sale for importation, and sale after importation of certain rechargeable nickel metal hydride anode materials and batteries and products containing same, on September 8, 1994. Complainants allege infringement of claims 1-17, 22, 23, 25, 27, and 32 of U.S. Letters Patent 4,623,597 ("the '597 patent").

On January 18, 1995, complainants and the Yuasa companies filed a joint motion to terminate the investigation with respect to the Yuasa companies on the basis of a settlement agreement. The ALJ issued an ID granting the joint motion and terminating the investigation as to the Yuasa companies. Because the Yuasa companies were the only remaining respondents in the investigation, the ID also terminates the investigation in its entirety. No petitions for review of the ID were filed. No agency or public comments were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission rule 210.42, 19 C.F.R. 210.42.

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

Dated: February 28, 1995.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 95-5635 Filed 3-7-95; 8:45 am]

BILLING CODE 7020-02-P

**INTERSTATE COMMERCE COMMISSION**

[Docket No. AB-55 (Sub-No. 501X)]

**CSX Transportation, Inc.—Abandonment Exemption—in Lucas and Wood Counties, OH**

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 2.15 miles of railroad between milepost CO-14.31 at River

Road in Lucas County, OH and milepost CO-16.46 at Bates in Wood County, OH.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 7, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by March 20, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 28, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water St., J150, Jacksonville, FL 32202.

<sup>1</sup> A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

<sup>2</sup> See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

<sup>3</sup> The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 13, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: February 27, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95-5511 Filed 3-7-95; 8:45 am]

BILLING CODE 7035-01-P

#### [Ex Parte No. 388 (Sub-No. 16)]

#### **Intrastate Rail Rate Authority—Mississippi**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of recertification.

**SUMMARY:** Pursuant to 49 U.S.C. 11501(b), the Commission recertifies the State of Mississippi to regulate intrastate rail rates, classifications, rules, and practices for a 5-year period.

**DATES:** Recertification will be effective on April 7, 1995 and will expire on April 6, 2000.

**FOR FURTHER INFORMATION CONTACT:** Elaine Sehrt-Green, (202) 927-5269 or Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

Decided: February 28, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95-5615 Filed 3-7-95; 8:45 am]

BILLING CODE 7035-01-P

#### [Docket No. AB-12 (Sub-No. 166X)]

#### **Southern Pacific Transportation Company—Abandonment Exemption—in Fort Bend and Wharton Counties, TX**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission, pursuant to 49 U.S.C. 10505, exempts Southern Pacific Transportation Company (SPT) from the prior approval requirements of 49 U.S.C. 10903-10904 to permit SPT to abandon two connecting branch lines, the Wharton Segment and the Palacios Segment, that meet in a "Y" shape at Wharton Jct., TX, and extend a total of 36.8 miles, in Fort Bend and Wharton Counties, TX. The exemption will be subject to standard employee protective conditions, environmental conditions, an historic condition, and a 90-day public use condition.

**DATES:** Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 7, 1995. Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2)<sup>1</sup> must be filed by March 17, 1995, petitions to stay must be filed by March 23, 1995, requests for a public use condition conforming to 49 CFR 1152.28(a)(2) must be filed by March 28, 1995, and petitions to reopen must be filed by April 3, 1995.

**ADDRESSES:** Send pleadings, referring to Docket No. AB-12 (Sub-No. 166X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington, D.C. 20423; and (2) Petitioner's representatives: John MacDonald Smith and Gary Laasko, Suite 800, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105; and Karl Morell and Louis E. Gitomer, Suite 1035, 1101 Pennsylvania Avenue NW., Washington, D.C. 20004.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Avenue NW., Washington, D.C. 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

<sup>1</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

Decided: February 22, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95-5616 Filed 3-7-95; 8:45 am]

BILLING CODE 7035-01-P

#### [Docket No. AB-436X]

#### **Bath and Hammondsport Railroad Company—Abandonment Exemption—in Steuben County, NY**

Bath and Hammondsport Railroad Company (B&H) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately .31 miles of rail line between milepost 8.86 and the end of the line at milepost 9.17, in the Village of Hammondsport, Steuben County, NY.

B&H has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expressions of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 7, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup>

<sup>1</sup> A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its